IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 28366 of 2006(B)

PETITIONERS:
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1. **KUMARA PILLAI, KUZHIYAMTHARAVILA**
   PUTHEN VEEDU, MYLACHAL, OTTASEKHARAMANGALAM P.O.,
   NEYYATTINKARA, THIRUVANANTHAPURAM.

2. **RAJAYYAN, VALIYARAKONATHU VEEDU,**
   MYLACHAL, OTTASEKHARAMANGALAM P.O.,
   THIRUVANANTHAPURAM.

BY ADV. SRI.D.SAJEEV

RESPONDENTS:
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1. **CIRCLE INSPECTOR OF POLICE,**
   VELLARADA CIRCLE STATION,
   VELLARADA, THIRUVANANTHAPURAM.

2. **SUB INSPECTOR OF POLICE,**
   ARYANCODE POLICE STATION, ARYANKODE,
   NEYYATTINKARA, THIRUVANANTHAPURAM.

3. **SUNDARESAN CONVENOR,**
   C.I.T.U. MYLACHAL UNIT, MEKKE AVANASSERY,
   OTTASEKHARAMANGALAM, NEYYATTINKARA,
   THIRUVANANTHAPURAM.

4. **A. RAVI, CONVENOR,**
   A.I.T.U.C. HEADLOAD WORKER'S UNIT,
   MYLACHAL, OTTASEKHARAMANGALAM P.O.,
   THIRUVANANTHAPURAM.

BY ADV. SRI.R.T.PRADEEP for R3
SRI.V.VIJULAL
BY GOVERNMENT PLEADER SRI. R. LAKSHMI NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE IDENTITY CARD ISSUED TO THE 1ST PETITIONER BY THE ASST.LABOUR OFFICER, NEYYATTINKARA.

EXT.P2: COPY OF THE IDENTITY CARD ISSUED TO THE 2ND PETITIONER BY THE ASST.LABOUR OFFICER, NEYYATTINKARA.

EXT.P3: COPY OF THE ORDER NO.153/2005 DTD. 18/04/2005 ISSUED BY THE ASST.LABOUR OFFICER, NEYYATTINKARA.

EXT.P4: COPY OF THE ORFDER ISSUED BY THE ASSISTANT LABOUR OFFICER, NEYYATTINKARA SPECIFYING THE AREA OF WORK OF MYLACHAL UNIT.

EXT.P5: COPY OF THE LETTER NO.387/2006 DTD. 7/08/2006 ISSUED BY THE ASSISTANT LABOUR OFFICER, NEYYATTINKARA.

EXT.P6: COPY OF THE PETITION FILED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT DTD. 9/09/2006.

3RD RESPONDENT'S EXHIBITS:

EXT.R3(A): COPY OF SETTLEMENT DTD. 20/03/1992 SETTLED AT THE INSTANCE OF ASSISTANT LABOUR OFFICER.

EXT.R3(B): COPY OF COMMUNICATION DTD. 20/09/2006 ISSUED BY 2ND RESPONDENT.

/TRUE COPY/

P.A.TO JUDGE

KSS

K.BALAKRISHNAN NAIR & HARUN-UL-RASHEED, JJ.

WPC NO.28366 OF 2006-B

Judgment

Balakrishnan Nair, J.

The petitioners are headload workers. They say, the area where they work is clearly demarcated by the decision of the Assistant Labour Officer as per Ext.P3. They submit, the headload workers under respondents 3 and 4, who represent workmen in the neighbouring areas, are trespassing into the area earmarked for the petitioners. To protect their work, they have moved the police. Since the police did not extend any helping hand, this Writ Petition is filed. The learned counsel for respondents 3 and 4 submitted that Ext.P3 is not binding on them. On the contrary, the different units of headload workers are governed by Ext.R3(a), to which the petitioners are also signatories. The learned Government Pleader upon instruction, submitted that the dispute between the petitioners and respondents 3 and 4 has already been settled by the Assistant Labour Officer in a conciliation conference.

2. The dispute regarding the area of work of different headload workers' units, is a matter to be settled by the authorities under the Headload Workers Act. If there is any law and order problem, it is the duty of the police to maintain peace and avert breach of peace. With the above observation, the Writ Petition is disposed of.

K.BALAKRISHNAN NAIR,JUDGE

06.08.2007

HARUN-UL-RASHEED, JUDGE

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